

1 AN ACT in relation to children.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Abused and Neglected Child Reporting Act
5 is amended by changing Section 4 as follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged
8 communications; transmitting false report. Any physician,
9 resident, intern, hospital, hospital administrator and
10 personnel engaged in examination, care and treatment of
11 persons, surgeon, dentist, dentist hygienist, osteopath,
12 chiropractor, podiatrist, physician assistant, substance
13 abuse treatment personnel, Christian Science practitioner,
14 funeral home director or employee, coroner, medical examiner,
15 emergency medical technician, acupuncturist, crisis line or
16 hotline personnel, school personnel, educational advocate
17 assigned to a child pursuant to the School Code, truant
18 officers, social worker, social services administrator,
19 domestic violence program personnel, registered nurse,
20 licensed practical nurse, respiratory care practitioner,
21 advanced practice nurse, home health aide, director or staff
22 assistant of a nursery school or a child day care center,
23 recreational program or facility personnel, law enforcement
24 officer, registered psychologist and assistants working
25 under the direct supervision of a psychologist, psychiatrist,
26 or field personnel of the Illinois Department of Public Aid,
27 Public Health, Human Services (acting as successor to the
28 Department of Mental Health and Developmental Disabilities,
29 Rehabilitation Services, or Public Aid), Corrections, Human
30 Rights, or Children and Family Services, supervisor and
31 administrator of general assistance under the Illinois Public

1 Aid Code, probation officer, or any other foster parent,
2 homemaker or child care worker having reasonable cause to
3 believe a child known to them in their professional or
4 official capacity may be an abused child or a neglected child
5 shall immediately report or cause a report to be made to the
6 Department.

7 Any member of the clergy having reasonable cause to
8 believe that a child known to that member of the clergy in
9 his or her professional capacity may be an abused child as
10 defined in item (c) of the definition of "abused child" in
11 Section 3 of this Act shall immediately report or cause a
12 report to be made to the Department.

13 Whenever such person is required to report under this Act
14 in his capacity as a member of the staff of a medical or
15 other public or private institution, school, facility or
16 agency, or as a member of the clergy, he shall make report
17 immediately to the Department in accordance with the
18 provisions of this Act and may also notify the person in
19 charge of such institution, school, facility or agency, or
20 church, synagogue, temple, mosque, or other religious
21 institution, or his designated agent that such report has
22 been made. Under no circumstances shall any person in charge
23 of such institution, school, facility or agency, or church,
24 synagogue, temple, mosque, or other religious institution, or
25 his designated agent to whom such notification has been made,
26 exercise any control, restraint, modification or other change
27 in the report or the forwarding of such report to the
28 Department.

29 The privileged quality of communication between any
30 professional person required to report and his patient or
31 client shall not apply to situations involving abused or
32 neglected children and shall not constitute grounds for
33 failure to report as required by this Act.

34 A member of the clergy may claim the privilege under

1 Section 8-803 of the Code of Civil Procedure.

2 In addition to the above persons required to report
3 suspected cases of abused or neglected children, any other
4 person may make a report if such person has reasonable cause
5 to believe a child may be an abused child or a neglected
6 child.

7 Any person who enters into employment on and after July
8 1, 1986 and is mandated by virtue of that employment to
9 report under this Act, shall sign a statement on a form
10 prescribed by the Department, to the effect that the employee
11 has knowledge and understanding of the reporting requirements
12 of this Act. The statement shall be signed prior to
13 commencement of the employment. The signed statement shall
14 be retained by the employer. The cost of printing,
15 distribution, and filing of the statement shall be borne by
16 the employer.

17 The Department shall provide copies of this Act, upon
18 request, to all employers employing persons who shall be
19 required under the provisions of this Section to report under
20 this Act.

21 Any person who knowingly transmits a false report to the
22 Department commits the offense of disorderly conduct under
23 subsection (a)(7) of Section 26-1 of the "Criminal Code of
24 1961". Any person who violates this provision a second or
25 subsequent time shall be guilty of a Class 3 4 felony.

26 Any person who knowingly and willfully violates any
27 provision of this Section other than a second or subsequent
28 violation of transmitting a false report as described in the
29 preceding paragraph, is guilty of a Class A misdemeanor for a
30 first violation and a Class 4 felony for a second or
31 subsequent violation; except that if the person acted as part
32 of a plan or scheme having as its object the prevention of
33 discovery of an abused or neglected child by lawful
34 authorities for the purpose of protecting or insulating any

1 person or entity from arrest or prosecution, the person is
 2 guilty of a Class 4 felony for a first offense and a Class 3
 3 felony for a second or subsequent offense (regardless of
 4 whether the second or subsequent offense involves any of the
 5 same facts or persons as the first or other prior offense).

6 A child whose parent, guardian or custodian in good faith
 7 selects and depends upon spiritual means through prayer
 8 alone for the treatment or cure of disease or remedial care
 9 may be considered neglected or abused, but not for the sole
 10 reason that his parent, guardian or custodian accepts and
 11 practices such beliefs.

12 A child shall not be considered neglected or abused
 13 solely because the child is not attending school in
 14 accordance with the requirements of Article 26 of the School
 15 Code, as amended.

16 (Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99;
 17 92-16, eff. 6-28-01; 92-801, eff. 8-16-02.)

18 Section 10. The Criminal Code of 1961 is amended by
 19 changing Section 26-1 as follows:

20 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)
 21 Sec. 26-1. Elements of the Offense.

22 (a) A person commits disorderly conduct when he
 23 knowingly:

24 (1) Does any act in such unreasonable manner as to
 25 alarm or disturb another and to provoke a breach of the
 26 peace; or

27 (2) Transmits or causes to be transmitted in any
 28 manner to the fire department of any city, town, village
 29 or fire protection district a false alarm of fire,
 30 knowing at the time of such transmission that there is no
 31 reasonable ground for believing that such fire exists; or

32 (3) Transmits or causes to be transmitted in any

1 manner to another a false alarm to the effect that a bomb
2 or other explosive of any nature or a container holding
3 poison gas, a deadly biological or chemical contaminant,
4 or radioactive substance is concealed in such place that
5 its explosion or release would endanger human life,
6 knowing at the time of such transmission that there is no
7 reasonable ground for believing that such bomb, explosive
8 or a container holding poison gas, a deadly biological or
9 chemical contaminant, or radioactive substance is
10 concealed in such place; or

11 (4) Transmits or causes to be transmitted in any
12 manner to any peace officer, public officer or public
13 employee a report to the effect that an offense will be
14 committed, is being committed, or has been committed,
15 knowing at the time of such transmission that there is no
16 reasonable ground for believing that such an offense will
17 be committed, is being committed, or has been committed;
18 or

19 (5) Enters upon the property of another and for a
20 lewd or unlawful purpose deliberately looks into a
21 dwelling on the property through any window or other
22 opening in it; or

23 (6) While acting as a collection agency as defined
24 in the "Collection Agency Act" or as an employee of such
25 collection agency, and while attempting to collect an
26 alleged debt, makes a telephone call to the alleged
27 debtor which is designed to harass, annoy or intimidate
28 the alleged debtor; or

29 (7) Transmits or causes to be transmitted a false
30 report to the Department of Children and Family Services
31 under Section 4 of the "Abused and Neglected Child
32 Reporting Act"; or

33 (8) Transmits or causes to be transmitted a false
34 report to the Department of Public Health under the

1 Nursing Home Care Act; or

2 (9) Transmits or causes to be transmitted in any
3 manner to the police department or fire department of any
4 municipality or fire protection district, or any
5 privately owned and operated ambulance service, a false
6 request for an ambulance, emergency medical
7 technician-ambulance or emergency medical
8 technician-paramedic knowing at the time there is no
9 reasonable ground for believing that such assistance is
10 required; or

11 (10) Transmits or causes to be transmitted a false
12 report under Article II of "An Act in relation to victims
13 of violence and abuse", approved September 16, 1984, as
14 amended; or

15 (11) Transmits or causes to be transmitted a false
16 report to any public safety agency without the reasonable
17 grounds necessary to believe that transmitting such a
18 report is necessary for the safety and welfare of the
19 public; or

20 (12) Calls the number "911" for the purpose of
21 making or transmitting a false alarm or complaint and
22 reporting information when, at the time the call or
23 transmission is made, the person knows there is no
24 reasonable ground for making the call or transmission and
25 further knows that the call or transmission could result
26 in the emergency response of any public safety agency.

27 (b) Sentence. A violation of subsection (a)(1) of this
28 Section is a Class C misdemeanor. A violation of subsection
29 (a)(5), ~~(a)(7)~~, (a)(11), or (a)(12) of this Section is a
30 Class A misdemeanor. A violation of subsection (a)(8) or
31 (a)(10) of this Section is a Class B misdemeanor. A
32 violation of subsection (a)(2), (a)(4), (a)(7), or (a)(9) of
33 this Section is a Class 4 felony. A violation of subsection
34 (a)(3) of this Section is a Class 3 felony, for which a fine

1 of not less than \$3,000 and no more than \$10,000 shall be
2 assessed in addition to any other penalty imposed.

3 A violation of subsection (a)(6) of this Section is a
4 Business Offense and shall be punished by a fine not to
5 exceed \$3,000. A second or subsequent violation of
6 subsection (a)(7), (a)(11), or (a)(12) of this Section is a
7 Class 4 felony. A third or subsequent violation of
8 subsection (a)(5) of this Section is a Class 4 felony.

9 (c) In addition to any other sentence that may be
10 imposed, a court shall order any person convicted of
11 disorderly conduct to perform community service for not less
12 than 30 and not more than 120 hours, if community service is
13 available in the jurisdiction and is funded and approved by
14 the county board of the county where the offense was
15 committed. In addition, whenever any person is placed on
16 supervision for an alleged offense under this Section, the
17 supervision shall be conditioned upon the performance of the
18 community service.

19 This subsection does not apply when the court imposes a
20 sentence of incarceration.

21 (Source: P.A. 91-115, eff. 1-1-00; 91-121, eff. 7-15-99;
22 92-16, eff. 6-28-01; 92-502, eff. 12-19-01.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.